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LOCAL GOVERNMENT BOARD,

WHITEHALL,

31st October, 1874.

SIR.

I am directed by the Local Government Board to forward a copy of a General Order which they have issued in pursuance of the Act of last Session, entitled "The Vaccination Act, 1874," under which the Board are empowered to make regulations prescribing the duties of Guardians and their Officers in relation to the institution and conduct of the proceedings to be taken for enforcing the provisions of the Vaccination Acts, and the payment of the costs and expenses relating thereto.

The duties of the Guardians in reference to proceedings, as defined by Article 16 of this Order, are to cause such proceedings to be taken against persons in default; and for this purpose the Article requires them to give the Vaccination Officers directions, authorizing them to institute and conduct such proceedings.

The Guardians may either give special directions in each individual case of default, or they may give such general directions as will enable the Vaccination Officers to take proceedings in the first instance in every case of default, without referring it to them; but the Board have thought it right to require, as regards proceedings under Section 31, that the Vaccination Officers shall not in any case in which a Magistrate's order has been made and summary proceedings have been taken thereon, apply for another order unless they have brought the case before the Guardians and received their special directions concerning it.

With respect to the different proceedings which may be taken under Section 29 and Section 31 of the Vaccination Act, 1867, the Board desire to recall the attention of the Guardians to Paragraph 8 of the Board's Circular Letter of the 17th October, 1871, copy of which is given below.

I am, Sir,

Your obedient Servant,

*John Lamborn*

Secretary.

COPY PARAGRAPH ABOVE REFERRED TO.

Under sections 16 and 29 of the Act of 1867, the parent or other person is liable to a penalty, who shall neglect to have the child vaccinated within three months after its birth, or after receiving its custody, or in certain cases within the further period limited by section 12 of the Act, and shall not render a reasonable excuse for such neglect. This offence is complete at the end of the three months or other period, and as therefore, it can only be committed once, only one penalty can be inflicted on account of it. (*See Pilcher v. Stafford*, 33 L. J. n. s. M. C. 113; 9 L. T. n. s. 759.) Under section 31 of the same Act, however, an order for the vaccination of a child under 14 years of age may be made by a Justice of the Peace if he see fit, upon the application of the Vaccination Officer, and such order may be renewed or repeated again and again, as often as may be requisite, until the vaccination of the child is effected. (*See Allen v. Worthy*, 39 L. J. n. s. M. C. 36; 21 L. T. n. s. 665; L. R. 5 Q. B. 163.) It is important to bear in mind this distinction between the proceedings under section 29 and those under section 31.

